Claims 22 and 24 have been canceled. Claims 20, 25, 26, 27, 28, and 29 have been

amended to more accurately define the invention claimed.

Zilem et al. (US Patent No. 2,868,361) discloses a tooth brush holder comprising an

elongated tubular receptacle with a hinged cover. The tubular receptacle has a tubular upper

portion which is of rigid construction and is enlarged adjacent its upper end and a tubular lower

portion which is pleated and is capable of being folded in the manner of a bellows. The enlarged

upper end of the tubular upper portion is connected by a hinge to one edge of the cover, and a

bottom plate is connected to the lower end of the tubular lower portion. A removable tooth brush

is disposed in the receptacle. The toothbrush is not affixed to the tubular receptacle. The cover

is raised by the exposed toothbrush when the tubular upper portion is depressed with respect to

the tubular lower portion. The toothbrush may then be <u>removed</u> for use.

Faulseit (US Patent No. 3,342,319) discloses a rigid tubular syringe package comprising

a container divided into two sections a short rectangular shaped head portion and a narrow long

tapered body portion. A bellow portion is located between the two ends of the container. A

pliable removable lid is adapted to be sealed to the upper face of laterally extending flange of the

head portion. When the lid is removed, the package may be collapsed to project the rear portion

of the enclosed syringe for removal from the packaging for application. The syringe is not

<u>affixed</u> to the container and must be <u>removable</u> from the container to be functional.

Applicant's invention is a retractable packaging comprising a generally constant diameter

and constant cross section elongated hollow tube housing that can be compressed and elongated

axially. An elongated member, such as a cotton swab, is affixed within the elongated hollow

Page 9 of 11

Application No.: 10/621,878

Amendment dated: September 29, 2006 Reply to Office Action of: March 30, 2006

tube housing. When the elongated hollow tube housing is retracted by compressing the elongated hollow tube housing axially, the applicator end of the elongated member is exposed through the open end for application without requiring removal of the elongated member. After application, the elongated hollow tube housing may be stretched back to its original length to enclose the applicator end for sanitary disposal.

Applicant hereby submits that the claim rejections under 35 U.S.C. §102(b) and §103(a) have all been overcome. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

Joe Nieh

Registration Number: 46,961 18760 E. Amar Road, #204

Walnut, CA 91789 Tel: (626) 964-4227 Fax: (626) 854-5717

E-Mail: nieh@justice.com

Application No.: 10/621,878

Amendment dated: September 29, 2006 Reply to Office Action of: March 30, 2006

Certificate of Mailing: I certify that on the date below this document and referenced attachments, if any, will be deposited with the U.S. Postal Service by 1<sup>st</sup> Class Mail in an envelope addressed to: "Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450."

September 29, 2006

Joe Niek

Registration Number: 46,961 18760 E. Amar Road, #204

Walnut, CA 91789
Tel: (626) 964-4227
Fax: (626) 854-5717
E-Mail: nieh@justice.com